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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JOEY COPOUS JR #510560,
Plaintiff

CIVIL DOCKET NO. 1:21-CV-00038
SEC P

VERSUS

JUDGE JOSEPH

NATCHITOCHES PARISH
DETENTION CENTER ET AL,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a civil rights Complaint under 42 U.S.C. § 1983 (ECF No. 6) filed by *pro se* Plaintiff Joey Copous, Jr. (“Copous”). Copous is an inmate in the custody of the Louisiana Department of Corrections, incarcerated at the Natchitoches Parish Detention Center. Copous alleges that he was subjected to excessive force in violation of his constitutional rights.

Because additional information is needed to support his claim, Copous must AMEND his Complaint (ECF No. 6).

I. Background

Copous alleges that he was “trying to get the attention of deputies for help with a personal problem” by waving at the cell camera. ECF No. 6 at 3. After approximately two hours, Sgt. Kay opened the slot in the door and “emptied a canister of Mace” in Copous’s face and body “without warning.” *Id.* Copous attempted to file a “complaint” after the incident, but has prevented from doing so by Cpt. Sers. *Id.*

Copous alleges that he received a disciplinary report, which was “filled with false information.” *Id.*

II. Instructions to Amend

Because the loss of good time would affect the duration of Copous’s confinement, he must amend his Complaint to state whether he was convicted of the disciplinary violation and, if so, what sanctions were imposed. Copous should specifically state whether he lost any good time credits as a result of the infraction. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994); *Edwards v. Balisok*, 520 U.S. 641 (1997).

Additionally, 42 U.S.C. § 1997e(e) provides that no federal civil action may be brought by a prisoner for mental or emotional injury suffered while in custody without a prior showing of physical injury. Copous must amend to state what, if any, physical injury he suffered as a result of the alleged excessive force.

III. Conclusion

Because additional information is necessary to support his claim, IT IS ORDERED that Copous AMEND his Complaint (ECF No. 6) within 30 days of the filing of this Order to provide the information outlined above.

Failure to comply with this Order may result in dismissal of this action under Rule 41(b) or 16(f) of the Federal Rules of Civil Procedure. Petitioner is further required to notify the Court of any change in his address under Rule 41.3 of the Local Rules for the Western District of Louisiana.

SIGNED on Wednesday, February 24, 2021.

A handwritten signature in black ink, appearing to read 'J. H. L. P. M.', written over a horizontal line.

JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE